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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,222	05/10/2001	Srihari Kumar	P3966	1085
24739 7590 11/13/2009 CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076				
EXAMINER FELTEN, DANIEL S				
ART UNIT 3696		PAPER NUMBER		
NOTIFICATION DATE 11/13/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

officeactions@CENTRALCOASTPATENT.COM  
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# Office Action Summary

**Application No.**

09/854,222

**Applicant(s)**

KUMAR ET AL.

**Examiner**

DANIEL S. FELTEN

**Art Unit**

3696

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10, 12-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No./Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed have been fully considered but they are not persuasive. 7/21/2009. References, in determining obvious are not read in isolation but for what they fairly teach in combination as a whole, and thus patent assignees reference-by-reference attack on prior to demonstrate non-obviousness is not persuasive. In response to applicant's arguments, the recitation of allowing a customer at one financial institution to transfer funds to a user's financial account held at another institution has not been given patentable weight because the recitation occurs in the preamble. Moreover "a" in "a user" can be interpreted as "any" as in "any user" not necessarily one user. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).
2. The applicant also asserts that Downing does not disclose a date for when the transfer is to execute. The Examiner disagrees. An expiration date of the transfer provided to the to the recipient suggests a date when the transfer is to execute (see column 7, line 6-17). Thus for the following reasons the rejections are maintained below.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downing et al (US 5,963, 647) in view of Gephart (US 6,339,766)

**Re claim 10:** Downing discloses an interactive method for transferring funds from or to a user's financial account held at one institution and a user's financial account held at another institution (see figs. 5A-5C, Abstract, column 10, lines 37+); comprising steps of:

(a) inputting in a data field within a single interface accessed by the user on an Network a transfer amount (32-sender)(36-transfer instruction file)(see fig. 3, column 6, lines 9+; column 7, lines 29+)

(b) selecting from a data menu within the single interface a date for the funds transfer to execute (see figs. 5A-5C, Abstract, column 10, lines 37+)

(c) selecting from a data menu within the single interface a financial institution and associated account number of an account the transfer amount (fig. 5A, S6-Select source Account) will be taken from, the financial institution providing access to the user's financial account requiring the user at least log-in with a name and password to access the user's financial account (see column 10, line 37 to column 11, line 9, esp, column 11, lines 1-3);

(d) selecting from a data menu within a single interface a financial institution and associated account number of an account the transfer amount will be deposited to, the financial institution providing access to the user's financial account requiring the user at least

log-in with a name and password to access the user's financial institution; (see column 10, line 37 to column 11, line 9, esp, column 11, lines 1-3)

(e) submitting the transfer funds order to be executed on the selected date (see column 11, lines 10-15); and

(f) initiating the transfer on the requested date by proxy over the Internet network on behalf of the user (see column 11, lines 16+);

Downing fails to disclose, as in claims 12-17 that the system being used on web pages via the internet (g) navigating by the proxy to the Web pages of the financial institutions via an automated browser on the Internet.

Gephart discloses contemplates use of the Internet to make financial transactions (see Abstract, column 2, lines 18-29).

It would have been obvious to modify Downing with the latest networking technology, as contemplated by Gephart to provide further use of Downing's invention based upon a conventional highly used network.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

/Daniel S Felten/

Primary Examiner, Art Unit 3696